

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Richmond Division

LOUIS ANGOTTI,
Plaintiff,

v.

Civil No. 3:23cv730 (DJN)

A. HARRIS, *et al.*,
Defendants.

MEMORANDUM OPINION

Plaintiff, a Virginia inmate proceeding *pro se* and *in forma pauperis*, filed this civil action pursuant to 42 U.S.C. § 1983. Under Federal Rule of Civil Procedure 4(m),¹ Plaintiff had 90 days to serve Defendants. Here, that period commenced on June 27, 2024. More than 90 days elapsed, and Plaintiff has not served Defendant Keeter. Accordingly, by Memorandum Order entered on November 27, 2024, the Court directed Plaintiff to show good cause for his failure to timely serve Defendant Keeter. (ECF No. 50.) In response, Plaintiff filed a Motion to Dismiss Defendant K. Keeter R/N. (ECF No. 51.) Plaintiff asks the Court to enter an ordering dismissing his claims against Defendant Keeter, because he believes that he cannot survive a motion to dismiss with respect to those claims.

¹ Rule 4(m) provides, in pertinent part:


If a defendant is not served within 90 days after the complaint is filed, the court — on motion or on its own after notice to the plaintiff — must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

Fed. R. Civ. P. 4(m).

Plaintiff's Motion to Dismiss Defendant K. Keeter R/N (ECF No. 51) will be GRANTED. All claims against Defendant Keeter will be DISMISSED WITHOUT PREJUDICE.

Let the Clerk file a copy of this Memorandum Opinion electronically and send a copy to Plaintiff.

An appropriate Order shall issue.


_____/s/_____
David J. Novak
United States District Judge

Alexandria, Virginia
Date: December 11, 2024